REMARKS

At page (2) of the Office Action, the Examiner required restriction of the application to one of eight allegedly distinct inventions:

Group I: Claims 1-73 and 75-80, drawn to a method for solving a system of N linear equations in N unknown variables using update estimation, classified in class 708, subclass 446;

Group II: Claim 74, drawn to a method for solving a system of N linear equations in N unknown variables using quadratic function, classified in class 708, subclass 446;

Group III: Claims 81-82, drawn to a filtering technique for obtaining data from plurality of users, classified in class 708, subclass 300;

Group IV: Claims 83-84, drawn to a method of generating filter coefficients for use in an echo, classified in class 708, subclass 322;

Group V: Claims 85-107, drawn to a method for solving a system of N linear equations in N unknown variables using vector, classified in class 708, subclass 446;

Group VI: Claims 108-116 and 119, drawn to a computer internal structure for solving a system of linear equation, classified in class 708, subclass 200;

Group VII: Claims 117-118, drawn to match filtering technique, classified in class 708, subclass 300; and

Group VIII: Claims 120-122, drawn to an adaptive filter, classified in class 708, subclass 322.

In response, Applicants elect Group I, namely claims 1-73 and 75-80.

However, Applicants do so with traverse. 35 U.S.C. §121 provides that "If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." M.P.E.P. §802.01 deviates from the plain meaning of "independent and distinct" by interpreting "and" to mean "or". The Patent Office relies on the absence from the legislative history of anything contrary to this interpretation as support for their position that "and" means "or". Applicants respectfully note that this position is contrary to

the rules of statutory construction. Restriction between two dependent inventions is not permissible under the plain meaning of 35 U.S.C. §121.

Applicants further urge the Examiner take into consideration that the subject matter of each of the claim Groups is linked by a common inventive concept. According to M.P.E.P. §803, there are two criteria for a proper restriction requirement. First, the two inventions must be independent and distinct. In addition, there must be a serious burden on the Examiner if restriction is not required. Even if the first criterion has been met in the present case, which it has not, the second criterion has not been met.

Applicants assert that a search into prior art with regard to the invention of the different Groups is so related that separate significant search efforts should not be necessary. Accordingly, there is no serious burden on the Examiner to collectively examine the different claim Groups of the subject application. Therefore, restriction is not proper under M.P.E.P. §803.

Consequently, Applicants respectfully request the Examiner reconsider and withdraw the restriction requirement. It is also submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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